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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/758,555 | 01/16/2004 | Rafael Rivera | 84,555 | 5965 |

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OFFICE OF COUNSEL, CODE 004
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EXAMINER

ENGLISH, EVAN JAMES

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3652

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,555

Applicant(s)

RIVERA ET AL.

Examiner

Evan English

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear how the rail means in lines 3 and 4 of claim 2 relate to the guide rails in line 4 of claim 1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Makino (US 4,293,077).

Makino discloses a system for transferring loaded containers between a delivery vehicle 23 and a dockside located sea vessel 26 by use of a marine terminal crane. The crane having a spreader bar 3 suspended therefrom. The system includes a mobile loader 6 propelled to a load transfer dockside location underlying the crane (see wheels 10a & 10b); a platform 8 in the loader on which one of the containers 4 may be carried;

motorized means 12b connected to the platform for movement thereof; and hoist means 15 for transfer of the container between the platform and the delivery vehicle positioned within the loader.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Makino (US 4,293,077) in view of Gary (US 5,105,915).

Makino discloses a system for transferring loaded containers between a delivery vehicle 23 and a dockside located sea vessel 26 by use of a marine terminal crane. The crane having a spreader bar 3 suspended therefrom. The system includes a mobile loader 6 propelled to a load transfer dockside location underlying the crane; a platform 8 in the loader on which one of the containers 4 may be carried; hoist means 15 for transfer of the container between the platform and the delivery vehicle positioned within the loader; and guide rails 7a & 7b to enclose the container while positioning the spreader bar of the crane in to alignment with the container. Makino does not disclose motorized means mounted on the platform for movement of the guide rails to enclose the container while positioning the spreader bar in to alignment.

Gary discloses motorized means 90 & 92 mounted on a platform 20 for movement of the guide rails 30 & 34 to enclose an object. Gary further discloses that these rails insure the stability and safety of the object being lifted on top of the platform (see Abstract, lines 6-9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include motorized means as taught by Gary to the platform of Makino to move the guide rails, in order to insure the stability and safety of the object being transferred.

7. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makino in view of Gary as applied to claim 1 above, and further in view of Ide (US 5,039,275).

With respect to claim 2, Makino does not disclose lift means connected to the platform for elevation thereof to decrease required descent of the spreader bar.

Ide discloses lift means 99 connected to the platform 64 & 66 for elevation to decrease required descent of the spreader bar 57 from the crane toward the container 25 carried on the platform. Ide further discloses that the trolley 23 and the hoist 24 may thus be operated to transfer the containers to the elevator platform with only a minimum of vertical travel of the containers.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included lift means for elevation of the platform, as taught by Ide, to the system for transferring loaded containers of Makino, in order to reduce the

travel time of the trolley and hoist by minimizing the vertical travel of the containers being moved by the trolley and hoist.

With respect to claim 5, Makino discloses a loader with a wheeled frame 6 having an elongated bottom support (see Fig 2, the bottom piece of the wheeled frame on which winch 15 & 15a are mounted). Makino does not disclose lift means disposed on an elongated bottom support.

Ide discloses lift means 99 as discussed above.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have mounted lift means in an underlying relation to the platform, as taught by Ide to the elongated bottom support of Makino, in order to secure the lift means to the structural frame.

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makino in view of Gary in view of Ide as applied to claims 2 and 5 above, and further in view of Curry (US 5,343,739).

With respect to claim 3, Makino does not disclose sensor grid means operatively connected to the motorized means and the hoist means for controlling the movement of the container.

Curry discloses sensor grid means, see laser transmitters 30 and photo-electric receivers 34, 36, and 38, operatively connected to motor controllers for controlling the movement of the container (see Fig 14). Pulse channels 150 & 151 respond to the presence or absence of laser pulses received by the photo-electric receivers 34, 36,

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and 38. These pulse channels are operatively connected to the gantry motor controllers 62 that are responsible for container movement. The collision detection system warns of impending unsafe conditions (see Abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have connected sensor grid means for controlling the movement of the container, as taught by Curry to the system of Makino, in order to provide a collision detection system and warn of impending unsafe conditions.

With respect to claim 4, Makino discloses a loader with a wheeled frame 6 having an elongated bottom support (see Fig 2, the bottom piece of the wheeled frame on which winch 15 & 15a are mounted). Makino does not disclose lift means disposed on an elongated bottom support.

Ide discloses lift means 99 as discussed above.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have mounted lift means in an underlying relation to the platform, as taught by Ide to the elongated bottom support of Makino, in order to secure the lift means to the structural frame.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Makino in view of Curry.

Makino discloses a system for transferring loaded containers between a delivery vehicle 23 and a dockside located sea vessel 26 by use of a marine terminal crane. The crane having a spreader bar 3 suspended therefrom. The system includes a mobile

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loader 6 propelled to a load transfer dockside location underlying the crane (see wheels 10a & 10b); a platform 8 in the loader on which one of the containers 4 may be carried; motorized means 12b connected to the platform for movement thereof; and hoist means 15 for transfer of the container between the platform and the delivery vehicle positioned within the loader. Makino does not disclose sensor grid means operatively connected to the motorized means and hoist means for controlling movement of the platform.

Curry discloses sensor grid means (see laser transmitters 30 and photo-electric receivers 34, 36, and 38) operatively connected to motor controllers for controlling the movement of an object (see Fig 14, pulse channels 150 & 151 respond to the presence or absence of laser pulses received by the photo-electric receivers 34, 36, and 38. These pulse channels are operatively connected to the gantry motor controllers 62 that are responsible for container movement).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to connect sensor grid means to motor controllers for controlling the movement on an object, as taught by Curry to the system of Makino, in order to provide a collision detection system and warn of impending unsafe conditions (see Abstract).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

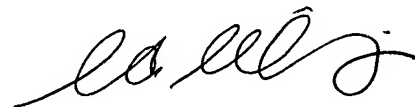
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan English whose telephone number is (571) 272-

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8971. The examiner can normally be reached on 8:30 a.m. to 5:00 p.m., Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600